



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: June 1, 2021
Report Number: PDS.21.065
Title: Refreshment Vehicles on Town Lands
Prepared by: Trevor Houghton, RPP, MCIP, Manager of Community Planning

A. Recommendations

THAT Council receive Staff Report PDS.21.065, entitled “Refreshment Vehicles on Town Lands”;

AND THAT Council authorize staff to start a Zoning By-law Amendment process that would consider refreshment vehicles on certain Town lands as a temporary use.

B. Overview

The purpose of this report is to seek Council authorization to engage in the public planning process with the submission of a Temporary Use Zoning By-law Amendment application. The purpose of this temporary use Zoning By-law Amendment process would be to explore the potential to allow refreshment vehicles on certain Town lands.

C. Background

Over the past couple of years, the Town has increasingly received enquiries from persons wanting to operate refreshment vehicles (food cart) businesses within the municipality. These enquiries have included allowing the use not only on private lands, but also on Town lands such as local parks. Presently this use is not permitted in the Town’s Zoning By-law on private lands, and it is unclear that such a use operated by private enterprise, is allowed in a Town park.

D. Analysis

Recently the Town has had enquiries about the potential to allow food carts on Town lands such as local parks. Presently in the Town’s Zoning By-law it not clear that such a use, being operated as a private enterprise, would be allowed in a Town park. Therefore, should Council desire to explore this potential use on with Town parkland properties, the public planning process should be engaged.

Given that the refreshment vehicle concept is new to the municipality, and in the event that Council is interested in pursuing such permissions in Town parks, it is recommended that a

Temporary Use Zoning By-law Amendment be considered. The approximate timeframe to process a temporary use Zoning By-law Amendment is five (5) months.

Section 39 of the *Planning Act* gives a municipality the ability to enact a by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the by-law. A temporary use by-law is to define the area to which it applies and specify the period of time for which the permission shall be in effect, which shall not exceed three years from the day of the passing of the by-law.

Other considerations related to this type of use that will require consideration is the refreshment vehicle application process, the licensing (if any) and any fees thereto. The Town parks considered as potential candidates for this temporary permission are;

- Northwinds Beach (Craigleith Area)
- Little River Park “the Pier” (Thornbury Area)
- Tomahawk Recreation Complex (Thornbury Area)
- Lion’s Park (Clarksburg Area)

This temporary use by-law, should it come into force, could act as a pilot program. Lessons learned from the approval and administration of this “temporary” food cart program could inform later Council deliberations to expand refreshment vehicles onto private properties, implemented through an update to the Town’s Zoning Bylaw. However, at this time it is not recommended that the “temporary” food cart program include private properties.

E. Strategic Priorities

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff *and the management of Town assets.*

F. Environmental Impacts

There are no environmental impacts as part of the consideration of this report.

G. Financial Impacts

As this would be municipally-initiated application, the Town Planning Department will be tasked with leading the temporary-use Zoning Bylaw Amendment process. The application fees typically associated with this application would be \$6,571.00 plus a \$2,500.00 deposit.

H. In Consultation With

Ryan Gibbons, Director of Community Services

Nathan Westendorp, Director of Planning and Development Services

I. Public Engagement

If directed by Council, the topic of this Staff Report will be the subject of a Public Meeting in the future.

Any comments regarding this report should be submitted to Trevor Houghton, Manager of Community Planning, planning@thebluemountains.ca

J. Attached

None

Respectfully submitted,

Trevor Houghton, RPP, MCIP
Manager of Community Planning

Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
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Report Approval Details

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Attachments:	
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This report and all of its attachments were approved and signed as outlined below:

Nathan Westendorp - May 18, 2021 - 5:23 PM

Shawn Everitt - May 20, 2021 - 3:47 PM